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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,142	06/08/2006	Takashi Ishizaki	060394 8832	
	7590 03/17/200 TOS & HANSON, LL	EXAMINER		
1420 K Street, I Suite 400		MARSH, STEVEN M		
WASHINGTO	N, DC 20005	ART UNIT	PAPER NUMBER	
			3632	
			MAIL DATE	DELIVERY MODE
			03/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary		Application	No.	Applicant(s)				
		10/582,142		ISHIZAKI ET AL.				
		Examiner		Art Unit				
		STEVEN M.	MARSH	3632				
The MAILING I Period for Reply	DATE of this communication a	ppears on the c	over sheet with the c	orrespondence ad	ldress			
WHICHEVER IS LON  - Extensions of time may be a after SIX (6) MONTHS from  - If NO period for reply is specification.  - Failure to reply within the second	TUTORY PERIOD FOR REP IGER, FROM THE MAILING available under the provisions of 37 CFR the mailing date of this communication. cified above, the maximum statutory perion to rextended period for reply will, by state ffice later than three months after the main ent. See 37 CFR 1.704(b).	DATE OF THIS 1.136(a). In no event od will apply and will e cute, cause the applica	COMMUNICATION however, may a reply be tim xpire SIX (6) MONTHS from tion to become ABANDONE	<b>J.</b> nely filed the mailing date of this c D (35 U.S.C. § 133).				
Status								
1) Responsive to	communication(s) filed on <u>08</u>	June 2006						
2a) This action is <b>F</b>	· · ·	nis action is nor	n-final					
′ <del>=</del>	cation is in condition for allow			secution as to the	e merits is			
	dance with the practice under	•	• •		o monto lo			
Disposition of Claims			,					
·		_						
· · · ·	Claim(s) <u>1-7</u> is/are pending in the application.							
	4a) Of the above claim(s) is/are withdrawn from consideration.							
	5) Claim(s) is/are allowed.							
6)☐ Claim(s)								
	is/are objected to.							
8) <u>⊠</u> Claim(s) <u>1-7</u> are	e subject to restriction and/or	election require	ement.					
Application Papers								
9)☐ The specification is objected to by the Examiner.								
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).								
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority under 35 U.S.C.	§ 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.								
Attachment(s)  1) Notice of References Cite 2) Notice of Draftsperson's 3) Information Disclosure SI Paper No(s)/Mail Date	Patent Drawing Review (PTO-948) atement(s) (PTO/SB/08)	4 5 6	)	nte				

## **DETAILED ACTION**

This is the first office action for U.S. Application 10/582,142 for a Display Elevation Adjusting Apparatus.

## Election/Restrictions

No claim is generic to the following disclosed patentably distinct species: Species 1 shown in figures 1-8, Species 2 shown in figure 9, and Species 3 shown in figures 10 and 11. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. The species are independent or distinct because as disclosed the different species have mutually exclusive characteristics for each identified species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

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Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The Examiner's SPE, J. Allen Shriver, can be reached at (571) 272-6698. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/S. M. M./

Examiner, Art Unit 3632

March 13, 2009

/Kimberly T. Wood/ Kimberly T. Wood Primary Examiner Application/Control Number: 10/582,142

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